

amendments made by this division, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on Public Lands and Forests.

The hearing will be held on Wednesday, June 17, 2009, at 2:30 p.m. in room SD-366 of the Dirksen Senate office building.

The purpose of the hearing is to receive testimony on the following bills:

S.409, to secure Federal ownership and management of significant natural, scenic, and recreational resources, to provide for the protection of cultural resources, to facilitate the efficient extraction of mineral resources by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes; S. 782, to provide for the establishment of the National Volcano Early Warning and Monitoring System; S.874, to establish El Rio Grande Del Norte National Conservation Area in the State of New Mexico, and for other purposes; S.1139, to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes; and S.1140, to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510-6150, or by email to [anna\\_fox@energy.senate.gov](mailto:anna_fox@energy.senate.gov).

For further information, please contact David Brooks at (202) 224-9863 or Anna Fox at (202) 224-1219.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 2, 2009, at 9:30 a.m.

The PRESIDING OFFICER. With objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, June 2, 2009, at 2:15 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. With objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, June 2, 2009, at 10 a.m., in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. With objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, June 2, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. DODD. Mr. President I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 2, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUPPLEMENTAL APPROPRIATIONS ACT, 2009

On Thursday, May 21, 2009, the Senate passed H.R. 2346, as amended, as follows:

### H.R. 2346

*Resolved*, That the bill from the House of Representatives (H.R. 2346) entitled "An Act making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert the following:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes, namely:*

### TITLE I

#### DEPARTMENT OF AGRICULTURE FOREIGN AGRICULTURAL SERVICE PUBLIC LAW 480 TITLE II GRANTS

*For an additional amount for "Public Law 480 Title II Grants", \$700,000,000, to remain available until expended: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.*

#### GENERAL PROVISION—THIS TITLE

*SEC. 101. Notwithstanding any other provision of law, any amounts made available prior to the date of enactment of this Act to provide assistance under the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 and 2202) that are unobligated as of the date of enactment of this Act shall be available to carry out any purpose under that program without fiscal year limitation: Provided, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.*

#### (INCLUDING RESCISSION OF FUNDS)

*SEC. 102. (a)(1) For an additional amount for gross obligations for the principal amount of di-*

*rect farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, to be available from funds in the Agricultural Credit Insurance Fund, as follows: direct farm ownership loans, \$360,000,000; and direct operating loans, \$225,000,000.*

*(2) For an additional amount for the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: direct farm ownership loans, \$22,860,000; and direct operating loans, \$26,530,000.*

*(b) Of available unobligated discretionary balances from the Rural Development mission area carried forward from fiscal year 2008, \$49,390,000 are hereby rescinded: Provided, That none of the amounts may be rescinded other than those from amounts that were designated by the Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

*(c) That the amount under this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.*

### TITLE II

#### DEPARTMENT OF COMMERCE

##### ECONOMIC DEVELOPMENT ADMINISTRATION

##### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

*For an additional amount for "Economic Development Assistance Programs", \$40,000,000, to remain available until September 30, 2010: Provided, That the amount provided under this heading shall be for the Trade Adjustment Assistance for Communities program as authorized by section 1872 of Public Law 111-5: Provided further, That the amount provided under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.*

#### DEPARTMENT OF JUSTICE

##### GENERAL ADMINISTRATION

##### SALARIES AND EXPENSES

*For an additional amount for "Salaries and expenses", \$30,000,000, to remain available until September 30, 2010: Provided, That funds provided in the previous proviso shall only be for carrying out Department of Justice responsibilities required by Executive Orders 13491, 13492, and 13493: Provided further, That the Attorney General shall submit to the Committees on Appropriations of the House and the Senate a detailed plan for expenditure of such funds no later than 30 days after enactment of this Act.*

##### DETENTION TRUSTEE

*For an additional amount for "Detention trustee", \$60,000,000, to remain available until September 30, 2010.*

##### LEGAL ACTIVITIES

##### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

*For an additional amount for "Salaries and expenses, general legal activities", \$1,648,000, to remain available until September 30, 2010.*

##### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

*For an additional amount for "Salaries and expenses, United States attorneys", \$5,000,000, to remain available until September 30, 2010.*

*For an additional amount for "Salaries and expenses, United States attorneys", \$10,000,000, to remain available until September 30, 2010: Provided, That the amount provided in this paragraph is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.*

## UNITED STATES MARSHALS SERVICES

## SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, \$10,000,000, to remain available until September 30, 2010.

## NATIONAL SECURITY DIVISION

## SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, \$1,389,000, to remain available until September 30, 2010.

## FEDERAL BUREAU OF INVESTIGATION

## SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, \$35,000,000, to remain available until September 30, 2010: Provided, That the amount provided under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

## DRUG ENFORCEMENT ADMINISTRATION

## SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, \$20,000,000, to remain available until September 30, 2010.

## BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

## SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, \$14,000,000, to remain available until September 30, 2010.

## FEDERAL PRISON SYSTEM

## SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, \$5,038,000, to remain available until September 30, 2010.

## GENERAL PROVISIONS—THIS TITLE

SEC. 201. Unless otherwise specified, each amount in this title is designated as being for overseas deployment and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 202. (a)(1) None of the funds appropriated or otherwise made available by this Act or any prior Act may be used to transfer, release, or incarcerate any individual who was detained as of May 19, 2009, at Naval Station, Guantanamo Bay, Cuba, to or within the United States.

(2) In this subsection, the term “United States” means the several States and the District of Columbia.

(b) The amount appropriated or otherwise made available by title II for the Department of Justice for general administration under the heading “SALARIES AND EXPENSES” is hereby reduced by \$30,000,000.

(c) The amount appropriated or otherwise made available by title III under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE” under paragraph (3) is hereby reduced by \$50,000,000.

## TITLE III

## DEPARTMENT OF DEFENSE

## MILITARY PERSONNEL

## MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, \$11,455,777,000.

## MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, \$1,565,227,000.

## MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, \$1,464,353,000.

## MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, \$1,469,173,000.

## RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel, Army”, \$387,155,000.

## RESERVE PERSONNEL, NAVY

For an additional amount for “Reserve Personnel, Navy”, \$39,478,000.

## RESERVE PERSONNEL, MARINE CORPS

For an additional amount for “Reserve Personnel, Marine Corps”, \$29,179,000.

## RESERVE PERSONNEL, AIR FORCE

For an additional amount for “Reserve Personnel, Air Force”, \$14,943,000.

## NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Personnel, Army”, \$1,542,333,000.

## NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for “National Guard Personnel, Air Force”, \$46,860,000.

## OPERATION AND MAINTENANCE

## OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$13,933,801,000.

## OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$2,337,360,000.

## OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, \$1,037,842,000.

## OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$5,992,125,000.

## OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for “Operation and Maintenance, Defense-Wide”, \$5,065,783,000, of which:

(1) not to exceed \$12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed \$1,050,000,000, to remain available until expended, for payments to reimburse key cooperating nations, for logistical, military, and other support including access provided to United States military operations in support of Operation Iraqi Freedom and Operation Enduring Freedom, notwithstanding any other provision of law: Provided, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph; and

(3) up to \$50,000,000 shall be available, 30 days after the Secretary of Defense submits an expenditure plan to the congressional defense committees detailing the specific planned use of these funds, only to support the relocation and disposition of individuals detained at the Guantanamo Bay Naval Base to locations outside of the United States, relocate military and support forces associated with detainee operations, and facilitate the closure of detainee facilities: Provided, That the Secretary of Defense shall certify in writing to the congressional defense committees, prior to transferring prisoners to foreign nations, that he has been assured by the receiving nation that the individual or individuals to be transferred will be retained in that nation's

custody as long as they remain a threat to the national security interest of the United States: Provided further, That the funds in this paragraph available to provide assistance to foreign nations to facilitate the relocation and disposition of individuals detained at the Guantanamo Bay Naval Base are in addition to any other authority to provide assistance to foreign nations: Provided further, That these funds are available for transfer to any other appropriations accounts of the Department of Defense or, with the concurrence of the head of the relevant Federal department or agency, to any other Federal appropriations accounts to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense.

## OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for “Operation and Maintenance, Army Reserve”, \$110,017,000.

## OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for “Operation and Maintenance, Navy Reserve”, \$25,569,000.

## OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, \$30,775,000.

## OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for “Operation and Maintenance, Air Force Reserve”, \$34,599,000.

## OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, \$203,399,000.

## AFGHANISTAN SECURITY FORCES FUND

For the “Afghanistan Security Forces Fund”, \$3,606,939,000, to remain available until September 30, 2010: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

## IRAQ SECURITY FORCES FUND

For an additional amount for the “Iraq Security Forces Fund”, \$1,000,000,000, to remain available until September 30, 2011: Provided, That, not later than July 31, 2010, any remaining unobligated funds in this account shall be transferred to the Department of State to be available for the same purposes as provided herein.

PAKISTAN COUNTERINSURGENCY CAPABILITY  
FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the "Pakistan Counterinsurgency Capability Fund". For the "Pakistan Counterinsurgency Capability Fund", \$400,000,000, to remain available until September 30, 2010: Provided, That such funds shall be available to the Secretary of Defense, with the concurrence of the Secretary of State, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Central Command, or the Secretary's designee, to provide assistance to Pakistan's security forces; including program management and the provision of equipment, supplies, services, training, and funds; and facility and infrastructure repair, renovation, and construction to build the counterinsurgency capability of Pakistan's military and Frontier Corps, and of which up to \$2,000,000 shall be available to assist the Government of Pakistan in creating a program to respond to urgent humanitarian relief and reconstruction requirements that will immediately assist Pakistani people affected by military operations: Provided further, That the authority to provide assistance under this provision is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such amounts as he may determine from the funds provided herein to appropriations for operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds: Provided further, That funds so transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$315,684,000, to remain available until September 30, 2011.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$737,041,000, to remain available until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED  
COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$1,434,071,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$230,075,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$7,029,145,000, to remain available until September 30, 2011.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$754,299,000, to remain available until September 30, 2011.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$31,403,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, NAVY AND  
MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$348,919,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$207,181,000, to remain available until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$1,658,347,000, to remain available until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$2,064,118,000, to remain available for obligation until September 30, 2011.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", \$49,716,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", \$138,284,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$1,910,343,000, to remain available until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$237,868,000, to remain available until September 30, 2011.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "National Guard and Reserve Equipment", \$500,000,000, to remain available until September 30, 2011.

MINE RESISTANT AMBUSH PROTECTED VEHICLE  
FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Mine Resistant Ambush Protected Vehicle Fund", \$4,243,000,000, to remain available until September 30, 2010: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$71,935,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, NAVY

For an additional amount of "Research, Development, Test and Evaluation, Navy", \$141,681,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, AIR FORCE

For an additional amount of "Research, Development, Test and Evaluation, Air Force", \$174,159,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND  
EVALUATION, DEFENSE-WIDE

For an additional amount of "Research, Development, Test and Evaluation, Defense-Wide", \$498,168,000, to remain available until September 30, 2010.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$861,726,000, to remain available until expended.

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$909,297,000, of which \$845,508,000 for operation and maintenance; of which \$30,185,000, to remain available until September 30, 2011, for procurement; and of which \$33,604,000, to remain available until September 30, 2010, for research, development, test and evaluation.

DRUG INTERDICTION AND COUNTER-DRUG  
ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", \$123,398,000, to remain available until September 30, 2010: Provided, That these funds may be used only for such activities related to Afghanistan, Pakistan, and Central Asia.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT  
FUND

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", \$1,116,746,000, to remain available until September 30, 2011.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", \$9,551,000.

GENERAL PROVISIONS—THIS TITLE

SEC. 301. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2009.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to \$2,500,000,000 of the funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2009, (Public Law 110-116) except for the fourth proviso.

SEC. 303. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 304. During fiscal year 2009 and from funds in the "Defense Cooperation Account", as established by 10 U.S.C. 2608, the Secretary of Defense may transfer not to exceed \$6,500,000 to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which transferred: Provided further, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 305. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or "Afghanistan Security Forces Fund" provided in this title, and executed in direct support of the overseas contingency operations in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 306. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than \$250,000: Provided, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than \$500,000: Provided further, That the Secretary shall report to the Congress all purchases made pursuant to this authority within 30 days of using the authority.

SEC. 307. From funds made available in this title, the Secretary of Defense may purchase motor vehicles for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan, up to a limit of \$75,000 per vehicle, notwithstanding other limitations applicable to passenger carrying motor vehicles.

SEC. 308. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: Provided, That none of the amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

“Procurement, Marine Corps, 2007/2009”, \$54,400,000;  
 “Other Procurement, Army, 2008/2010”, \$29,300,000;  
 “Procurement, Marine Corps, 2008/2010”, \$10,300,000;  
 “Research, Development, Test and Evaluation, Navy, 2008/2009”, \$5,000,000;  
 “Research, Development, Test and Evaluation, Air Force, 2008/2009”, \$36,107,000;  
 “Research, Development, Test and Evaluation, Defense-Wide, 2008/2009”, \$200,000,000;  
 “Operation and Maintenance, Army, 2009/2009”, \$352,359,000;  
 “Operation and Maintenance, Navy, 2009/2009”, \$881,481,000;  
 “Operation and Maintenance, Marine Corps, 2009/2009”, \$54,466,000;  
 “Operation and Maintenance, Air Force, 2009/2009”, \$925,203,000;  
 “Operation and Maintenance, Defense-Wide, 2009/2009”, \$267,635,000;  
 “Operation and Maintenance, Army Reserve, 2009/2009”, \$23,338,000;  
 “Operation and Maintenance, Navy Reserve, 2009/2009”, \$62,910,000;  
 “Operation and Maintenance, Marine Corps Reserve, 2009/2009”, \$1,250,000;  
 “Operation and Maintenance, Air Force Reserve, 2009/2009”, \$163,786,000;  
 “Operation and Maintenance, Army National Guard, 2009/2009”, \$57,819,000;  
 “Operation and Maintenance, Air National Guard, 2009/2009”, \$250,645,000;  
 “Aircraft Procurement, Army, 2009/2011”, \$11,500,000;  
 “Procurement of Ammunition, Army, 2009/2011”, \$107,100,000;  
 “Other Procurement, Army, 2009/2011”, \$195,000,000;  
 “Procurement, Marine Corps, 2009/2011”, \$10,300,000;  
 “Procurement, Defense-Wide, 2009/2011”, \$6,400,000;  
 “Research, Development, Test and Evaluation, Army, 2009/2010”, \$202,710,000;  
 “Research, Development, Test and Evaluation, Navy, 2009/2010”, \$270,260,000; and  
 “Research, Development, Test and Evaluation, Air Force, 2009/2010”, \$392,567,000.

SEC. 309. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109-364).

SEC. 310. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2008 or 2009 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 311. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for the purpose of establishing any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 312. (a) REPEAL OF SECRETARY OF DEFENSE REPORTS ON TRANSITION READINESS OF IRAQ AND AFGHAN SECURITY FORCES.—Subsection (a) of section 9205 of Public Law 110-252 (122 Stat. 2412) is repealed.

(b) MODIFICATION OF REPORTS ON USE OF CERTAIN SECURITY FORCES FUNDS.—

(1) PREPARATION IN CONSULTATION WITH COMMANDER OF CENTCOM.—Subsection (b)(1) of such section is amended by inserting “the Commander of the United States Central Command,” after “the Secretary of Defense;”.

(2) PERIOD OF REPORTS.—Such subsection is further amended by striking “not later than 120 days after the date of the enactment of this Act and every 90 days thereafter” and inserting “not later than 45 days after the end of each fiscal year quarter”.

(3) FUNDS COVERED BY REPORTS.—Such subsection is further amended by striking “and ‘Afghanistan Security Forces Fund’” and inserting “, ‘Afghanistan Security Forces Fund’, and ‘Pakistan Counterinsurgency Capability Fund’”.

(c) NOTICE NEW PROJECTS AND TRANSFERS OF FUNDS.—Subsection (c) of such section is amended by striking “the headings” and all that follows and inserting “the headings as follows:

“(1) ‘Iraq Security Forces Fund’.  
 “(2) ‘Afghanistan Security Forces Fund’.  
 “(3) ‘Pakistan Counterinsurgency Capability Fund’.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 313. (a) Section 1174(h)(1) of title 10, United States Code, is amended to read as follows:

“(1) A member who has received separation pay under this section, or separation pay, severance pay, or readjustment pay under any other provision of law, based on service in the armed forces, and who later qualifies for retired or retainer pay under this title or title 14 shall have deducted from each payment of such retired or retainer pay an amount, in such schedule of monthly installments as the Secretary of Defense shall specify, taking into account the financial ability of the member to pay and avoiding the imposition of undue financial hardship on the member and member's dependents, until the total amount deducted is equal to the total amount of separation pay, severance pay, and readjustment pay so paid.”.

(b) Section 1175(e)(3)(A) of title 10, United States Code, is amended to read as follows:

“(3)(A) A member who has received the voluntary separation incentive and who later qualifies for retired or retainer pay under this title shall have deducted from each payment of such retired or retainer pay an amount, in such schedule of monthly installments as the Secretary of Defense shall specify, taking into account the financial ability of the member to pay and avoiding the imposition of undue financial hardship on the member and member's dependents, until the total amount deducted is equal to the total amount of separation pay, severance pay, and readjustment pay so paid. If the member elected to have a reduction in voluntary separation incentive for any period pursuant to

paragraph (2), the deduction required under the preceding sentence shall be reduced as the Secretary of Defense shall specify.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any repayments of separation pay, severance pay, readjustment pay, special separation benefit, or voluntary separation incentive, that occur on or after the date of enactment, including any ongoing repayment actions that were initiated prior to this amendment.

SEC. 314. (a) IN GENERAL.—Unless otherwise designated, each amount in this title is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) EXCEPTION.—Subsection (a) shall not apply to the amount rescinded in section 308 for “Operation and Maintenance, Air Force”.

SEC. 315. (a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter, the President shall submit to the members and committees of Congress specified in subsection (b) a report on the prisoner population at the detention facility at Naval Station Guantanamo Bay, Cuba.

(b) SPECIFIED MEMBERS AND COMMITTEES OF CONGRESS.—The members and committees of Congress specified in this subsection are the following:

(1) The majority leader and minority leader of the Senate.

(2) The Chairman and Ranking Member on the Committee on Armed Services of the Senate.

(3) The Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate.

(4) The Speaker of the House of Representatives.

(5) The minority leader of the House of Representatives.

(6) The Chairman and Ranking Member on the Committee on Armed Services of the House of Representatives.

(7) The Chairman and Vice Chairman of the Permanent Select Committee on Intelligence of the House of Representatives

(c) MATTERS TO BE INCLUDED.—Each report submitted under subsection (a) shall include the following:

(1) The name and country of origin of each detainee at the detention facility at Naval Station Guantanamo Bay, Cuba, as of the date of such report.

(2) A current summary of the evidence, intelligence, and information used to justify the detention of each detainee listed under paragraph (1) at Naval Station Guantanamo Bay.

(3) A current accounting of all the measures taken to transfer each detainee listed under paragraph (1) to the individual's country of citizenship or another country.

(4) A current description of the number of individuals released or transferred from detention at Naval Station Guantanamo Bay who are confirmed or suspected of returning to terrorist activities after release or transfer from Naval Station Guantanamo Bay.

(5) An assessment of any efforts by al Qaeda to recruit detainees released from detention at Naval Station Guantanamo Bay.

(6) For each detainee listed under paragraph (1), a threat assessment that includes—

(A) an assessment of the likelihood that such detainee may return to terrorist activity after release or transfer from Naval Station Guantanamo Bay;

(B) an evaluation of the status of any rehabilitation program in such detainee's country of origin, or in the country such detainee is anticipated to be transferred to; and

(C) an assessment of the risk posed to the American people by the release or transfer of such detainee from Naval Station Guantanamo Bay.

(d) ADDITIONAL MATTERS TO BE INCLUDED IN INITIAL REPORT.—The first report submitted

under subsection (a) shall also include the following:

(1) A description of the process that was previously used for screening the detainees described by subsection (c)(4) prior to their release or transfer from detention at Naval Station Guantanamo Bay, Cuba.

(2) An assessment of the adequacy of that screening process for reducing the risk that detainees previously released or transferred from Naval Station Guantanamo Bay would return to terrorist activities after release or transfer from Naval Station Guantanamo Bay.

(3) An assessment of lessons learned from previous releases and transfers of individuals who returned to terrorist activities for reducing the risk that detainees released or transferred from Naval Station Guantanamo Bay will return to terrorist activities after their release or transfer.

(e) **FORM.**—Each report submitted under subsection (a), or parts thereof, may be submitted in classified form.

(f) **LIMITATION ON RELEASE OR TRANSFER.**—No detainee detained at the detention facility at Naval Station Guantanamo Bay, Cuba, as of the date of the enactment of this Act may be released or transferred to another country until the President—

(1) submits to Congress the first report required by subsection (a); or

(2) certifies to the members and committees of Congress specified in subsection (b) that such action poses no threat to the members of the United States Armed Forces.

(g) **SENSE OF SENATE.**—It is the sense of the Senate that the Secretary of Defense should consult with State and local government officials before making any decision about where detainees at Naval Station Guantanamo Bay, Cuba, might be transferred, housed, or otherwise incarcerated as a result of the implementation of the Executive Order of the President to close the detention facilities at Naval Station Guantanamo Bay.

#### TITLE IV

#### DEPARTMENT OF DEFENSE—CIVIL

#### DEPARTMENT OF THE ARMY

#### CORPS OF ENGINEERS—CIVIL

#### OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance” to dredge navigation channels and repair damage to Corps projects nationwide related to natural disasters, \$38,375,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of natural disasters as authorized by law, \$804,290,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use \$315,290,000 of the funds appropriated under this heading to support emergency operations, repair eligible projects nationwide, and for other activities in response to natural disasters: Provided further, That the Secretary of the Army is directed to use \$489,000,000 of the amount provided under this heading for barrier island restoration and ecosystem restoration to restore historic levels of storm damage reduction to the Mississippi Gulf Coast: Provided further, That this work shall be

carried out at full Federal expense: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### DEPARTMENT OF ENERGY ENERGY PROGRAMS STRATEGIC PETROLEUM RESERVE (TRANSFER OF FUNDS)

For an additional amount for the “Strategic Petroleum Reserve” account, \$21,585,723, to remain available until expended, to be derived by transfer from the “SPR Petroleum Account” for site maintenance activities: Provided, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### NATIONAL NUCLEAR SECURITY ADMINISTRATION WEAPONS ACTIVITIES (TRANSFER OF FUNDS)

For an additional amount for “Weapons Activities”, \$34,500,000, to remain available until expended, to be divided among the three national security laboratories of Livermore, Sandia and Los Alamos to fund a sustainable capability to analyze nuclear and biological weapons intelligence: Provided, That the Director of National Intelligence shall provide a written report to the Senate Appropriations Committee, the Senate Armed Services Committee and the Senate Select Committee on Intelligence within 90 days of enactment on how the National Nuclear Security Administration will invest these resources in technical and core analytical capabilities: Provided further, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for “Defense Nuclear Nonproliferation” in the National Nuclear Security Administration, \$55,000,000, to remain available until expended, for the International Nuclear Materials Protection and Cooperation Program to counter emerging threats at nuclear facilities in Russia and other countries of concern through detecting and deterring insider threats through security upgrades: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### GENERAL PROVISIONS—THIS TITLE

#### LIMITED TRANSFER AUTHORITY

SEC. 401. Section 403 of title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking all of the text and inserting the following:

#### “SEC. 403. LIMITED TRANSFER AUTHORITY.

“The Secretary of Energy may transfer up to 0.5 percent from each amount appropriated to the Department of Energy in this title to any other appropriate account within the Department of Energy, to be used for management and oversight activities: Provided, That the Secretary shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate 15 days prior to any trans-

fer: Provided further, That any funds so transferred under this section shall remain available for obligation until September 30, 2012.”

#### WAIVER OF FEDERAL EMPLOYMENT REQUIREMENTS

SEC. 402. Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking “September 30, 2008” and inserting “September 30, 2009”.

#### CORPS OF ENGINEERS TECHNICAL FIX

SEC. 403. (a) **IN GENERAL.**—Section 3181 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1158) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (4) through (11) as paragraphs (5), (6), (8), (9), (10), (11), (12), and (13), respectively;

(B) by inserting after paragraph (3) the following:

“(4) **NORTHEAST HARBOR, MAINE.**—The project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12).”; and

(C) by inserting after paragraph (6) (as redesignated by subparagraph (A)) the following:

“(7) **TENANTS HARBOR, MAINE.**—The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275).”; and

(2) in subsection (h)—

(A) by striking paragraphs (15) and (16); and

(B) by redesignating paragraphs (17) through (29) as paragraphs (15) through (27), respectively.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as if included in the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1041)

#### CORPS OF ENGINEERS REPROGRAMMING AUTHORITY

SEC. 404. Unlimited reprogramming authority is granted to the Secretary of the Army for funds provided in title IV—Energy and Water Development of Public Law 111–5 under the heading “Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil”.

#### BUREAU OF RECLAMATION REPROGRAMMING AUTHORITY

SEC. 405. Unlimited reprogramming authority is granted to the Secretary of the Interior for funds provided in title IV—Energy and Water Development of Public Law 111–5 under the heading “Bureau of Reclamation, Water and Related Resources”.

#### COST ANALYSIS OF TRITIUM PROGRAM CHANGES

SEC. 406. No funds in this Act, or other previous Acts, shall be provided to fund activities related to the mission relocation of either the design authority for the gas transfer systems or tritium research and development facilities during the current fiscal year and until the Department can provide the Senate Appropriations Committee an independent technical mission review and cost analysis by the JASON’s as proposed in the Complex Transformation Site-Wide Programmatic Environmental Impact Statement.

#### CORPS OF ENGINEERS PROJECT COST CEILING INCREASE

SEC. 407. The project for ecosystem restoration, Upper Newport Bay, California, authorized by section 101(b)(9) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to construct the project at a total cost of \$50,659,000, with an estimated Federal cost of \$32,928,000 and a non-Federal cost of \$17,731,000.

SEC. 408. None of the funds provided in the matter under the heading entitled “Department of Defense—Civil” in this Act, or provided by previous appropriations Acts under the heading entitled “Department of Defense—Civil” may be used to deconstruct any work (including any partially completed work) completed under the Mississippi River and Tributaries Project authorized by the Act of May 15, 1928 (45 2 Stat.

534; 100 Stat. 4183), during fiscal year 2009, 2010, and 2011.

**TITLE 17 INNOVATIVE TECHNOLOGY LOAN  
GUARANTEE PROGRAM**

SEC. 409. The matter under the heading “Title 17 Innovative Technology Loan Guarantee Program” of title III of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 619) is amended in the ninth proviso—

(1) by striking “or (d)” and inserting “(d)”; and

(2) by striking “the guarantee” and inserting “the guarantee; (e) contracts, leases or other agreements entered into prior to May 1, 2009 for front-end nuclear fuel cycle projects, where such project licenses technology from the Department of Energy, and pays royalties to the federal government for such license and the amount of such royalties will exceed the amount of federal spending, if any, under such contracts, leases or agreements; or (f) grants or cooperative agreements, to the extent that obligations of such grants or cooperative agreements have been recorded in accordance with section 1501(a)(5) of title 31, United States Code, on or before May 1, 2009”.

**TITLE V  
DEPARTMENT OF THE TREASURY  
DEPARTMENTAL OFFICES  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)**

For an additional amount for “Departmental Offices, Salaries and Expenses”, \$4,000,000, to remain available until December 31, 2010: Provided, That, not later than 10 days following enactment of this Act, the Secretary of the Treasury shall transfer funds provided under this heading to an account to be designated for the necessary expenses of the Financial Crisis Inquiry Commission established pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009: Provided further, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**EXECUTIVE OFFICE OF THE PRESIDENT  
AND FUNDS APPROPRIATED TO THE  
PRESIDENT**

**NATIONAL SECURITY COUNCIL  
SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses”, \$2,936,000, of which \$800,000 shall remain available until expended and \$2,136,000 shall remain available until September 30, 2010: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**PANDEMIC PREPAREDNESS AND RESPONSE  
(INCLUDING TRANSFERS OF FUNDS)**

For an amount to be deposited into an account for “Pandemic Preparedness and Response” to be established within the Executive Office of the President for expenses to prepare for and respond to a potential pandemic disease outbreak and to assist international efforts to control the spread of such an outbreak, including for the 2009–H1N1 influenza outbreak, \$1,500,000,000, to remain available until September 30, 2010, and to be transferred by the Director of the Office of Management and Budget as follows: \$900,000,000 shall be transferred to and merged with funds made available under the heading “Department of Health and Human Services, Public Health and Social Services Emergency Fund” for allocation by the Secretary; \$190,000,000 shall be transferred to and merged with funds made available for the United States Department of Homeland Security

under the heading “Departmental Management and Operations, Office of the Secretary and Executive Management” for allocation by the Secretary; \$100,000,000 shall be transferred to and merged with funds made available for the United States Department of Agriculture under the heading “Agricultural Programs, Production, Processing and Marketing, Office of the Secretary” for allocation by the Secretary; \$50,000,000 shall be transferred to and merged with funds made available under the heading “Department of Health and Human Services, Food and Drug Administration, Salaries and Expenses”; \$110,000,000 shall be transferred to and merged with funds made available under the heading “Department of Veterans Affairs, Veterans Health Administration, Medical Services”; and \$150,000,000 shall be transferred to and merged with funds made available under the heading “Bilateral Economic Assistance, Funds Appropriated to the President, Global Health and Child Survival”, to support programs of the United States Agency for International Development: Provided, That such transfers shall be made not more than 10 days after the date of enactment of this Act: Provided further, That none of the funds provided under this heading shall be available for obligation until 15 days following the submittal of a detailed spending plan by each Department receiving funds to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority available in this or any other Act: Provided further, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**THE JUDICIARY  
COURTS OF APPEALS, DISTRICT COURTS, AND  
OTHER JUDICIAL SERVICES  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)**

For an additional amount for “Salaries and Expenses”, \$10,000,000, to remain available until September 30, 2010: Provided, That notwithstanding section 302 of division D of Public Law 111–8, funding shall be available for transfer between Judiciary accounts to meet increased workload requirements resulting from immigration and other law enforcement initiatives on the Southwest border: Provided further, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**INDEPENDENT AGENCIES  
SECURITIES AND EXCHANGE COMMISSION  
SALARIES AND EXPENSES**

For an additional amount for necessary expenses for the Securities and Exchange Commission, \$10,000,000, to remain available until September 30, 2010, for investigation of securities fraud: Provided, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**GENERAL PROVISIONS—THIS TITLE**

SEC. 501. (a) IN GENERAL.—Section 3(c)(2)(A) of Public Law 110–428 is amended—

(1) in the matter before clause (i), by striking “4-year” and inserting “5-year”; and

(2) in clause (i), by striking “1-year” and inserting “2-year”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of Public Law 110–428.

SEC. 502. The fourth proviso under the heading “District of Columbia Funds” of title IV of

division D of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 655) is amended by striking “and such title” and inserting “, as amended by laws enacted pursuant to section 442(c) of the Home Rule Act of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 798), and such title, as amended”.

SEC. 503. Title V of division D of the Omnibus Appropriations Act, 2009 (Public Law 111–8) is amended under the heading “Federal Communications Commission” by striking the first proviso and inserting the following: “Provided, That of the funds provided, not less than \$3,000,000 shall be available for developing a national broadband plan pursuant to title VI of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and for carrying out any other responsibility pursuant to that title”.

**EXTENSION OF LIMITATIONS**

SEC. 504. (a) IN GENERAL.—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the margins 2 ems to the right;

(2) by striking “evidence of debt by any insured” and inserting the following: “evidence of debt by—

“(A) any insured”; and

(3) by striking the period at the end and inserting the following: “; and

“(B) any nondepository institution operating in such State, shall be equal to not more than the greater of the State’s maximum lawful annual percentage rate or 17 percent—

“(i) to facilitate the uniform implementation of federally mandated or federally established programs and financings related thereto, including—

“(I) uniform accessibility of student loans, including the issuance of qualified student loan bonds as set forth in section 144(b) of the Internal Revenue Code of 1986;

“(II) the uniform accessibility of mortgage loans, including the issuance of qualified mortgage bonds and qualified veterans’ mortgage bonds as set forth in section 143 of such Code;

“(III) the uniform accessibility of safe and affordable housing programs administered or subject to review by the Department of Housing and Urban Development, including—

“(aa) the issuance of exempt facility bonds for qualified residential rental property as set forth in section 142(d) of such Code;

“(bb) the issuance of low income housing tax credits as set forth in section 42 of such Code, to facilitate the uniform accessibility of provisions of the American Recovery and Reinvestment Act of 2009; and

“(cc) the issuance of bonds and obligations issued under that Act, to facilitate economic development, higher education, and improvements to infrastructure, and the issuance of bonds and obligations issued under any provision of law to further the same; and

“(ii) to facilitate interstate commerce generally, including consumer loans, in the case of any person or governmental entity (other than a depository institution subject to subparagraph (A) and paragraph (2)).”.

(b) EFFECTIVE PERIOD.—The amendments made by subsection (a) shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

**TITLE VI**

**DEPARTMENT OF HOMELAND SECURITY  
U.S. CUSTOMS AND BORDER PROTECTION  
SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses”, \$46,200,000, to remain available until September 30, 2010, of which \$6,200,000 shall be for the care, treatment, and transportation of unaccompanied alien children; and of which



\$40,000,000 shall be for response to border security issues on the Southwest border of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS,  
MAINTENANCE, AND PROCUREMENT

For an additional amount for “Salaries and Expenses”, \$5,000,000, to remain available until September 30, 2010, for response to border security issues on the Southwest border of the United States.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$66,800,000, to remain available until September 30, 2010, of which \$11,800,000 shall be for the care, treatment, and transportation of unaccompanied alien children; and of which \$55,000,000 shall be for response to border security issues on the Southwest border of the United States.

COAST GUARD  
OPERATING EXPENSES

For an additional amount for “Operating Expenses”, \$139,503,000; of which \$129,503,000 shall be for Coast Guard operations in support of Operation Iraqi Freedom and Operation Enduring Freedom; and of which \$10,000,000 shall be available until September 30, 2010, for High Endurance Cutter maintenance, major repairs, and improvements.

FEDERAL EMERGENCY MANAGEMENT AGENCY  
STATE AND LOCAL PROGRAMS

For an additional amount for “State and Local Programs”, \$30,000,000 shall be for Operation Stonegarden.

GENERAL PROVISIONS—THIS TITLE  
(INCLUDING RESCISSION)

SEC. 601. (a) RESCISSION.—Of amounts previously made available from “Federal Emergency Management Agency, Disaster Relief” to the State of Mississippi pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) for Hurricane Katrina, an additional \$100,000,000 are rescinded.

(b) APPROPRIATION.—For “Federal Emergency Management Agency, State and Local Programs”, there is appropriated an additional \$100,000,000, to remain available until expended, for a grant to the State of Mississippi for an interoperable communications system required in the aftermath of Hurricane Katrina: Provided, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 602. The Department of Homeland Security Appropriations Act, 2009 (Public Law 110-329) is amended under the heading “Federal Emergency Management Agency, Management and Administration” after “the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.),” by adding “Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583);”.

SEC. 603. Notwithstanding any provision under (a)(1)(A) of 15 U.S.C. 2229a specifying that grants must be used to increase the number of fire fighters in fire departments, the Secretary of Homeland Security may, in making grants described under 15 U.S.C. 2229a for fiscal year 2009 or 2010, grant waivers from the requirements of subsection (a)(1)(B), subsection (c)(1), subsection (c)(2), and subsection (c)(4)(A), and may award grants for the hiring, rehiring, or retention of firefighters.

SEC. 604. The Administrator of the Federal Emergency Management Agency shall extend through March 2010 reimbursement of case management activities conducted by the State of Mississippi under the Disaster Housing Assistance Program to individuals in the program on April 30, 2009.

SEC. 605. Section 552 of division E of the Consolidated Appropriations Act, 2008 (Public Law 110-161) is amended by striking “local educational agencies” and inserting “primary or secondary school sites” and by inserting “and section 406(c)(2)” after “section 406(c)(1)”.

SEC. 606. (a) IN GENERAL.—Each amount in this title is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) EXCEPTION.—Subsection (a) shall not apply to any amount under section 601 of this title.

SEC. 607. For purposes of qualification for loans made under the Disaster Assistance Direct Loan Program as allowed under Public Law 111-5 relating to disaster declaration DR-1791 (issued September 13, 2008) the base period for tax determining loss of revenue may be fiscal year 2009 or 2010.

TITLE VII

DEPARTMENT OF THE INTERIOR

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount to cover necessary expenses for wildfire suppression and emergency rehabilitation activities of the Department of the Interior, \$50,000,000, to remain available until expended: Provided, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and after the Secretary of the Interior notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: Provided further, That the Secretary of the Interior may transfer any of these funds to the Secretary of Agriculture if the transfer enhances the efficiency or effectiveness of Federal wildland fire suppression activities: Provided further, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount to cover necessary expenses for wildfire suppression and emergency rehabilitation activities of the Forest Service, \$200,000,000, to remain available until expended: Provided, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and after the Secretary of Agriculture notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: Provided further, That the Secretary of Agriculture may transfer not more than \$50,000,000 of these funds to the Secretary of the Interior if the transfer enhances the efficiency or effectiveness of Federal wildland fire suppression activities: Provided further, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 701. Public Law 111-8, division E, title III, Department of Health and Human Services, Agency for Toxic Substances and Disease Registry, Toxic Substances and Environmental Public Health is amended by inserting “per eligible employee” after “\$1,000”.

SEC. 702. (a) Section 1606 of division A, title XVI of Public Law 111-5 shall not be applied to

projects carried out by youth conservation organizations under agreement with the Department of the Interior or the Forest Service for which funds were provided in title VII.

(b) For purposes of this provision, the term “youth conservation organizations” means not-for-profit organizations that provide conservation service learning opportunities for youth 16 to 25 years of age.

TITLE VIII

DEPARTMENT OF HEALTH AND HUMAN  
SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES  
REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for “Refugee and Entrant Assistance” for necessary expenses for unaccompanied alien children as authorized by section 462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, \$82,000,000, to remain available through September 30, 2011: Provided, That the amount under this heading is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

(TRANSFER OF FUNDS)

SEC. 801. Section 801(a) of division A of Public Law 111-5 is amended by inserting “, and may be transferred by the Department of Labor to any other account within the Department for such purposes” before the end period.

(INCLUDING TRANSFER OF FUNDS)

SEC. 802. (a) Notwithstanding any other provision of law, during the period from September 1 through September 30, 2009, the Secretary of Education shall transfer to the Career, Technical, and Adult Education account an amount not to exceed \$17,678,270 from amounts that would otherwise lapse at the end of fiscal year 2009 and that were originally made available under the Department of Education Appropriations Act, 2009 or any Department of Education Appropriations Act for a previous fiscal year.

(b) Funds transferred under this section to the Career, Technical, and Adult Education account shall be obligated by September 30, 2009.

(c) Any amounts transferred pursuant to this section shall be for carrying out Adult Education State Grants, and shall be allocated, notwithstanding any other provision of law, only to those States that received funds under that program for fiscal year 2009 that were at least 9.9 percent less than those States received under that program for fiscal year 2008.

(d) The Secretary shall use these additional funds to increase those States’ allocations under that program up to the amount they received under that program for fiscal year 2008.

(e) The Secretary shall notify the Committees on Appropriations of both Houses of Congress of any transfer pursuant to this section.

TITLE IX

LEGISLATIVE BRANCH

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for “Capitol Police, General Expenses”, \$71,606,000, to purchase and install a new radio system for the U.S. Capitol Police, to remain available until September 30, 2012: Provided, That the Chief of the Capitol Police may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and the House of Representatives.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$2,000,000, to remain available until September 30, 2010.

## GENERAL PROVISION—THIS TITLE

SEC. 901. The amount available to the Committee on the Judiciary for expenses, including salaries, under section 13(b) of Senate Resolution 73, agreed to March 10, 2009, is increased by \$500,000.

## TITLE X

## MILITARY CONSTRUCTION

## MILITARY CONSTRUCTION, ARMY

## (INCLUDING RESCISSION)

For an additional amount for “Military Construction, Army”, \$1,229,731,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That none of the funds provided under this heading for military construction projects in Afghanistan shall be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that a prefunding statement for each project has been submitted to the North Atlantic Treaty Organization (NATO) for consideration of funding by the NATO Security Investment Program.

For an additional amount for “Military Construction, Army”, \$49,000,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the preceding amount in this paragraph is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: Provided further, That of the funds appropriated for “Military Construction, Army” under Public Law 110–252, \$49,000,000 are hereby rescinded.

## MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, \$243,083,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

## MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force”, \$265,470,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That none of the funds provided under this heading for military construction projects in Afghanistan shall be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that a prefunding statement for each project has been submitted to the North Atlantic Treaty Organization (NATO) for consideration of funding by the NATO Security Investment Program.

## MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for “Military Construction, Defense-Wide”, \$181,500,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That \$1,781,500,000 is hereby authorized for fiscal years 2009 through 2013 for the purposes of this appropriation.

NORTH ATLANTIC TREATY ORGANIZATION  
SECURITY INVESTMENT PROGRAM

For an additional amount for “North Atlantic Treaty Organization Security Investment Program”, \$100,000,000, to remain available until expended: Provided, That notwithstanding any other provision of law, such funds are authorized for the North Atlantic Treaty Security Investment Program for purposes of section 2806 of title 10, United States Code, and section 2502 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417).

DEPARTMENT OF DEFENSE BASE CLOSURE  
ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$230,900,000, to remain available until expended: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out operation and maintenance, planning and design and military construction projects not otherwise authorized by law.

## GENERAL PROVISIONS—THIS TITLE

SEC. 1001. None of the funds appropriated in this or any other Act may be used to disestablish, reorganize, or relocate the Armed Forces Institute of Pathology, except for the Armed Forces Medical Examiner, until the President has established, as required by section 722 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 199; 10 U.S.C. 176 note), a Joint Pathology Center, and the Joint Pathology Center is demonstrably performing the minimum requirements set forth in section 722 of the National Defense Authorization Act for Fiscal Year 2008.

SEC. 1002. (a) IN GENERAL.—Unless otherwise designated, each amount in this title is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) EXCEPTION.—Subsection (a) shall not apply to any amount under the heading “Military Construction, Defense-Wide”.

## TITLE XI

## DEPARTMENT OF STATE

## ADMINISTRATION OF FOREIGN AFFAIRS

## DIPLOMATIC AND CONSULAR PROGRAMS

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Diplomatic and Consular Programs”, \$645,444,000, to remain available until September 30, 2010, of which \$117,983,000 is for World Wide Security Protection and shall remain available until expended: Provided, That the Secretary of State may transfer up to \$135,629,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: Provided further, That of the funds appropriated under this heading, not more than \$10,000,000 for public diplomacy activities may be transferred to, and merged with, funds made available under the heading “International Broadcasting Operations” for broadcasting activities to the Pakistan-Afghanistan border region: Provided further, That of the funds appropriated under this heading, \$57,000,000 shall be made available for aircraft acquisition, maintenance, operations and leases in Afghanistan for the Department of State and the United States Agency for International Development (USAID), and the uses and oversight of such aircraft shall be the responsibility of the United States Chief of Mission in Afghanistan: Provided further, That of the funds made avail-

able pursuant to the previous proviso, \$40,000,000 shall be transferred to, and merged with, funds made available under the heading “United States Agency for International Development, Funds Appropriated to the President, Operating Expenses” for the purpose of USAID’s air services: Provided further, That such aircraft utilized by USAID may be used to transport Federal and non-Federal personnel supporting USAID programs and activities: Provided further, That official travel of other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis.

OFFICE OF INSPECTOR GENERAL  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Office of Inspector General”, \$22,200,000, to remain available until September 30, 2010, of which \$7,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and \$7,200,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight: Provided, That the Special Inspector General for Afghanistan Reconstruction may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of such section) for funds made available for fiscal years 2009 and 2010.

EMBASSY SECURITY, CONSTRUCTION, AND  
MAINTENANCE

For an additional amount for “Embassy Security, Construction, and Maintenance”, \$820,500,000, to remain available until expended, for worldwide security upgrades, acquisition, and construction as authorized, and shall be made available for secure diplomatic facilities and housing for United States mission staff in Afghanistan and Pakistan, and for mobile mail screening units.

INTERNATIONAL ORGANIZATIONS  
CONTRIBUTIONS FOR INTERNATIONAL  
PEACEKEEPING ACTIVITIES

For an additional amount for “Contributions for International Peacekeeping Activities”, \$721,000,000, to remain available until September 30, 2010.

UNITED STATES AGENCY FOR  
INTERNATIONAL DEVELOPMENT  
FUNDS APPROPRIATED TO THE PRESIDENT  
OPERATING EXPENSES

For an additional amount for “Operating Expenses”, \$112,600,000, to remain available until September 30, 2010.

## CAPITAL INVESTMENT FUND

For an additional amount for “Capital Investment Fund”, \$48,500,000, to remain available until expended.

## OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”, \$3,500,000, to remain available until September 30, 2010, for oversight of programs in Afghanistan and Pakistan.

BILATERAL ECONOMIC ASSISTANCE  
FUNDS APPROPRIATED TO THE PRESIDENT

## GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for “Global Health and Child Survival”, \$50,000,000, to remain available until September 30, 2010, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria.

## DEVELOPMENT ASSISTANCE

For an additional amount for “Development Assistance”, \$38,000,000, to remain available until September 30, 2010, for assistance for Kenya.



## INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for “International Disaster Assistance”, \$245,000,000, to remain available until expended.

## ECONOMIC SUPPORT FUND

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Economic Support Fund”, \$2,828,000,000, to remain available until September 30, 2010: Provided, That of the funds appropriated under this heading, not less than \$866,000,000 may be made available for assistance for Afghanistan, of which not less than \$100,000,000 shall be made available to support programs that directly address the needs of Afghan women and girls, including for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women’s Affairs, and for women-led nongovernmental organizations: Provided further, That of the funds appropriated under this heading, not less than \$115,000,000 shall be made available for the Afghan Reconstruction Trust Fund, of which not less than \$70,000,000 shall be made available for the National Solidarity Program: Provided further, That of the funds appropriated under this heading, not less than \$11,000,000 shall be made available for the Afghan Civilian Assistance Program: Provided further, That of the funds appropriated under this heading, not less than \$439,000,000 shall be made available for assistance for Pakistan, of which not more than \$215,000,000 shall be made available for economic growth programs, including basic education to counter the influence of madrassas; not less than \$50,000,000 shall be made available for assistance for internally displaced persons; and not less than \$10,000,000 shall be made available for democracy programs, including to strengthen democratic political parties: Provided further, That of the funds appropriated under this heading that are available for assistance for Afghanistan and Pakistan, not less than \$20,000,000 shall be made available for a cross border development program to be administered by the Special Representative for Afghanistan and Pakistan at the Department of State: Provided further, That of the funds appropriated under this heading, not less than \$439,000,000 shall be made available for assistance for Iraq, of which not less than \$50,000,000 shall be for the Community Action Program and not less than \$10,000,000 shall be for the Marla Ruzicka Iraqi War Victims Fund: Provided further, That of the funds appropriated under this heading, not less than \$150,000,000 shall be made available for assistance for Jordan to mitigate the impact of the global economic crisis, including for health, education, water and sanitation, and other assistance for Iraqi and other refugees in Jordan: Provided further, That of the funds appropriated under this heading, not less than \$15,000,000 shall be made available for assistance for Yemen; not less than \$10,000,000 shall be made available for assistance for Somalia; and not less than \$10,000,000 shall be made available for programs and activities to assist victims of gender-based violence in the Democratic Republic of the Congo: Provided further, That funds made available pursuant to the previous proviso shall be administered by the United States Agency for International Development: Provided further, That none of the funds appropriated in this title for democracy and civil society programs may be made available for the construction of facilities in the United States.

## ASSISTANCE FOR EUROPE, EURASIA, AND CENTRAL ASIA

For an additional amount for “Assistance for Europe, Eurasia and Central Asia”, \$230,000,000, to remain available until September 30, 2010, of which \$200,000,000 may be made available for assistance for Georgia and other Eurasian countries: Provided, That of the funds appropriated under this heading, \$30,000,000 may be made available for assistance for the Kyrgyz Republic to provide a long-range air

traffic control and safety system to support air operations in the Kyrgyz Republic, including at Manas International Airport, notwithstanding any other provision of law.

## DEPARTMENT OF STATE

## INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for “International Narcotics Control and Law Enforcement”, \$393,500,000, to remain available until September 30, 2010: Provided, That of the funds appropriated under this heading, not more than \$109,000,000 may be made available for assistance for the West Bank and not more than \$66,000,000 may be made available for assistance for Mexico.

## NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for “Nonproliferation, Anti-Terrorism, Demining and Related Programs”, \$102,000,000, to remain available until September 30, 2010: Provided, That of this amount, not more than \$77,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, of which not more than \$50,000,000 may be made available to enhance security along the Gaza border: Provided further, That the Secretary of State shall work assiduously to facilitate the regular flow of people and licit goods in and out of Gaza at established border crossings and shall submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act, and every 45 days thereafter until September 30, 2010, detailing progress in this effort.

## MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance”, \$345,000,000, to remain available until expended.

## INTERNATIONAL SECURITY ASSISTANCE

## FUNDS APPROPRIATED TO THE PRESIDENT

## PEACEKEEPING OPERATIONS

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Peacekeeping Operations”, \$172,900,000, to remain available until September 30, 2010, of which \$155,900,000 may be made available to support the African Union Mission to Somalia and which may be transferred to, and merged with, funds appropriated under the heading “Contributions for International Peacekeeping Activities” for peacekeeping in Somalia: Provided, That of the funds appropriated under this heading, \$15,000,000 shall be made available for assistance for the Democratic Republic of the Congo and \$2,000,000 shall be made available for the Multi-national Force and Observer mission in the Sinai.

## INTERNATIONAL MILITARY EDUCATION AND TRAINING

For an additional amount for “International Military Education and Training”, \$2,000,000, to remain available until September 30, 2010, for assistance for Iraq.

## FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for “Foreign Military Financing Program”, \$98,000,000, to remain available until September 30, 2009, for assistance for Lebanon.

## GENERAL PROVISIONS—THIS TITLE

## AFGHANISTAN

SEC. 1101. (a) IN GENERAL.—Funds appropriated under the heading “Economic Support Fund” that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, in a manner that utilizes Afghan entities and emphasizes the participation of Afghan women and directly improves the security, economic and social well-being, and political status, of Afghan women and girls.

(b) LIMITATION ON CONTRACTS AND GRANTS.—Funds appropriated under the heading “Eco-

nomie Support Fund” that are available for assistance for Afghanistan shall not be used to initiate or make an amendment to any contract, grant or cooperative agreement in an amount exceeding \$10,000,000.

## (c) ASSISTANCE FOR WOMEN AND GIRLS.—

(1) Of the funds appropriated under the heading “International Narcotics Control and Law Enforcement” that are available for assistance for Afghanistan, not less than \$10,000,000 shall be made available to train and support Afghan women investigators, police officers, prosecutors and judges with responsibility for investigating, prosecuting, and punishing crimes of violence against women and girls.

(2) Of the funds appropriated under the heading “Economic Support Fund” that are available for assistance for Afghanistan, not less than \$5,000,000 shall be made available for capacity building for Afghan women-led nongovernmental organizations, and not less than \$25,000,000 shall be made available to support programs and activities of such organizations, including to provide legal assistance and training for Afghan women and girls about their rights, and to promote women’s health (including mental health), education, and leadership.

(d) ANTICORRUPTION.—Ten percent of the funds appropriated under the heading “International Narcotics Control and Law Enforcement” that are available for assistance for the Government of Afghanistan shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations that the Government of Afghanistan is implementing a policy to promptly remove from office any government official who is credibly alleged to have engaged in narcotics trafficking, gross violations of human rights, or other major crimes.

(e) ACQUISITION OF PROPERTY.—Not more than \$10,000,000 of the funds appropriated in this title may be made available to pay for the acquisition of property for diplomatic facilities in Afghanistan.

(f) UNITED NATIONS DEVELOPMENT PROGRAM.—None of the funds appropriated in this title may be made available for programs and activities of the United Nations Development Program (UNDP) in Afghanistan unless the Secretary of State reports to the Committees on Appropriations that UNDP is fully cooperating with efforts of the United States Agency for International Development (USAID) to investigate expenditures by UNDP of USAID funds associated with the Quick Impact Program in Afghanistan, and has agreed to reimburse USAID, if appropriate.

(g) TRAINING IN CIVILIAN-MILITARY COORDINATION.—The Secretary of State, in consultation with the Secretary of Defense and the Administrator of the United States Agency for International Development, shall seek to ensure that civilian personnel assigned to serve in Afghanistan receive civilian-military coordination training that focuses on counterinsurgency and stability operations, and shall submit a report to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives not later than 90 days after the date of the enactment of this Act detailing how such training addresses current and future civilian-military coordination requirements.

## ALLOCATIONS

SEC. 1102. (a) Funds appropriated in this title for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

(1) “Diplomatic and Consular Programs”.

(2) “Embassy Security, Construction, and Maintenance”.

(3) “Economic Support Fund”.

(4) “International Narcotics Control and Law Enforcement”.

(b) For the purposes of implementing this section, and only with respect to the tables included in the report accompanying this Act, the

Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

#### BURMA

SEC. 1103. (a) Funds appropriated under the heading "Economic Support Fund" for humanitarian assistance for Burma may be made available notwithstanding any other provision of law.

(b) Not later than 30 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report that details the findings and recommendations of the Department of State's review of United States policy toward Burma.

#### EXTENSION OF AUTHORITIES

SEC. 1104. Funds appropriated in this title may be obligated and expended notwithstanding section 10 of Public Law 91-672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

#### GLOBAL FINANCIAL CRISIS

SEC. 1105. (a) IN GENERAL.—Of the funds appropriated under the heading "Economic Support Fund", not more than \$285,000,000 may be made available for assistance for vulnerable populations in developing countries severely affected by the global financial crisis: Provided, That funds made available pursuant to this section may be obligated only after the Administrator of the United States Agency for International Development (USAID) submits a report to the Committees on Appropriations detailing a spending plan for each such country including criteria for eligibility, proposed amounts and purposes of assistance, and mechanisms for monitoring the uses of such assistance, and indicating that USAID has reviewed its existing programs in such country to determine reprogramming opportunities to increase assistance for vulnerable populations: Provided further, That funds made available pursuant to this section shall be transferred to, and merged with, the following accounts:

(1) Not less than \$12,000,000 for the "Development Credit Authority", for the cost of direct loans and loan guarantees notwithstanding the dollar limitations in such account on transfers to the account and the principal amount of loans made or guaranteed with respect to any single country or borrower: Provided, That such transferred funds may be made available to subsidize total loan principal, any portion of which is to be guaranteed, of up to \$3,300,000,000: Provided further, That the authority provided in this subsection is in addition to authority provided under the heading "Development Credit Authority" in Public Law 111-8: Provided further, That and up to \$1,500,000 may be made available for administrative expenses to carry out credit programs administered by the United States Agency for International Development; and

(2) Not more than \$20,000,000 for the "Overseas Private Investment Corporation Program Account", notwithstanding section 708(b) of Public Law 111-8: Provided, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation.

(b) REPROGRAMMING AUTHORITY.—Notwithstanding any other provision of law and in addition to funds otherwise available for such purposes, funds appropriated under the heading "Millennium Challenge Corporation" (MCC) in prior Acts making appropriations for the Department of State, foreign operations, export financing, and related programs may be transferred to, and merged with, funds appropriated

under the heading "Economic Support Fund" that are made available pursuant to this section.

(1) The authority contained in subsection (b) may only be exercised for a country that has signed a compact with the MCC or has been designated by the MCC as a threshold country, and such a reprogramming of funds should be made, if practicable, prior to making available additional assistance for such purposes.

(2) The MCC shall consult with the Committees on Appropriations prior to exercising the authority of this subsection.

#### IRAQ

SEC. 1106. (a) IN GENERAL.—Funds appropriated in this title that are available for assistance for Iraq shall be made available, to the maximum extent practicable, in a manner that utilizes Iraqi entities.

(b) MATCHING REQUIREMENT.—Funds appropriated in this title for assistance for Iraq shall be made available in accordance with the Department of State's April 9, 2009, "Guidelines for Government of Iraq Financial Participation in United States Government-Funded Civilian Foreign Assistance Programs and Projects".

(c) OTHER ASSISTANCE.—Of the funds appropriated in this title under the heading "Economic Support Fund", not less than \$20,000,000 shall be made available for targeted development programs and activities in areas of conflict in Iraq, and the responsibility for policy decisions and justifications for the use of such funds shall be the responsibility of the United States Chief of Mission in Iraq.

#### PROHIBITION ON ASSISTANCE FOR HAMAS

SEC. 1107. (a) None of the funds appropriated in this title may be made available for assistance to Hamas, or any entity effectively controlled by Hamas or any power-sharing government of which Hamas is a member.

(b) Notwithstanding the limitation of subsection (a), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(c) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109-446) with respect to this subsection.

(d) Whenever the certification pursuant to subsection (b) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent, are continuing to comply with the principles contained in section 620K(b)(1)(A) and (B). The report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

#### MEXICO

SEC. 1108. (a) Not later than 60 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing actions taken by the Government of Mexico since June 30, 2008, to investigate and prosecute violations of internationally recognized human rights by members of the Mexican Federal police and military forces, and to support a thorough, independent, and credible investigation of the murder of American citizen Bradley Roland Will.

(b) None of the funds appropriated in this title may be made available for the cost of fuel for helicopters provided to Mexico, or for logistical support, including operations and maintenance,

of aircraft purchased by the Government of Mexico.

(c) In order to enhance border security and cooperation in law enforcement efforts between Mexico and the United States, funds appropriated in this title that are available for assistance for Mexico may be made available for the procurement of law enforcement communications equipment only if such equipment utilizes open standards and is compatible with, and capable of operating with, radio communications systems and related equipment utilized by Federal law enforcement agencies in the United States to enhance border security and cooperation in law enforcement efforts between Mexico and the United States.

#### MULTILATERAL DEVELOPMENT BANK REPLENISHMENTS

SEC. 1109. (a) INTERNATIONAL DEVELOPMENT ASSOCIATION.—The International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end thereof the following:

##### "SEC. 24. FIFTEENTH REPLENISHMENT.

"(a) The United States Governor of the International Development Association is authorized to contribute on behalf of the United States \$3,705,000,000 to the fifteenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$3,705,000,000 for payment by the Secretary of the Treasury.

##### "SEC. 25. MULTILATERAL DEBT RELIEF.

"(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than \$356,000,000 to the International Development Association for the purpose of funding debt relief under the Multilateral Debt Relief Initiative in the period governed by the fifteenth replenishment of resources of the International Development Association, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than \$356,000,000 for payment by the Secretary of the Treasury.

"(c) In this section, the term 'Multilateral Debt Relief Initiative' means the proposal set out in the G8 Finance Ministers' Communiqué entitled 'Conclusions on Development,' done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005."

(b) AFRICAN DEVELOPMENT FUND.—The African Development Fund Act (22 U.S.C. 290 et seq.) is amended by adding at the end thereof the following:

##### "SEC. 219. ELEVENTH REPLENISHMENT.

"(a) The United States Governor of the Fund is authorized to contribute on behalf of the United States \$468,165,000 to the eleventh replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, \$468,165,000 for payment by the Secretary of the Treasury.

##### "SEC. 220. MULTILATERAL DEBT RELIEF INITIATIVE.

"(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than \$26,000,000 to the African Development Fund for the purpose of funding debt relief under the Multilateral Debt Relief Initiative in the period governed by the eleventh replenishment of resources of the African Development Fund, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

“(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than \$26,000,000 for payment by the Secretary of the Treasury.”.

PROMOTION OF POLICY GOALS AT THE WORLD BANK GROUP

SEC. 1110. Title XVI of the International Financial Institutions Act (22 U.S.C. 262p et seq.) is amended by adding at the end thereof the following:

“SEC. 1626. REFORM OF THE ‘DOING BUSINESS’ REPORT OF THE WORLD BANK.

“(a) The Secretary of the Treasury shall instruct the United States Executive Directors at the International Bank for Reconstruction and Development, the International Development Association, and the International Finance Corporation of the following United States policy goals, and to use the voice and vote of the United States to actively promote and work to achieve these goals:

“(1) Suspension of the use of the ‘Employing Workers’ Indicator for the purpose of ranking or scoring country performance in the annual Doing Business Report of the World Bank until a set of indicators can be devised that fairly represent the value of internationally recognized workers’ rights, including core labor standards, in creating a stable and favorable environment for attracting private investment. The indicators shall bring to bear the experiences of the member governments in dealing with the economic, social and political complexity of labor market issues. The indicators should be developed through collaborative discussions with and between the World Bank, the International Finance Corporation, the International Labor Organization, private companies, and labor unions.

“(2) Elimination of the ‘Labor Tax and Social Contributions’ Subindicator from the annual Doing Business Report of the World Bank.

“(3) Removal of the ‘Employing Workers’ Indicator as a ‘guidepost’ for calculating the annual Country Policy and Institutional Assessment score for each recipient country.

“(b) Within 60 days after the date of the enactment of this section, the Secretary of the Treasury shall provide an instruction to the United States Executive Directors referred to in subsection (a) to take appropriate actions with respect to implementing the policy goals of the United States set forth in subsection (a), and such instruction shall be posted on the website of the Department of the Treasury.

“SEC. 1627. ENHANCING THE TRANSPARENCY AND EFFECTIVENESS OF THE INSPECTION PANEL PROCESS OF THE WORLD BANK.

“(a) ENHANCING TRANSPARENCY IN IMPLEMENTATION OF MANAGEMENT ACTION PLANS.—The Secretary of the Treasury shall direct the United States Executive Directors at the World Bank to seek to ensure that World Bank Procedure 17.55, which establishes the operating procedures of Management with regard to the Inspection Panel, provides that Management prepare and make available to the public semi-annual progress reports describing implementation of Action Plans considered by the Board; allow and receive comments from Requesters and other Affected Parties for two months after the date of disclosure of the progress reports; post these comments on World Bank and Inspection Panel websites (after receiving permission from the requestors to post with or without attribution); submit the reports to the Board with any comments received; and make public the substance of any actions taken by the Board after Board consideration of the reports.

“(b) SAFEGUARDING THE INDEPENDENCE AND EFFECTIVENESS OF THE INSPECTION PANEL.—The Secretary of the Treasury shall direct the United States Executive Directors at the World Bank to continue to promote the independence and effectiveness of the Inspection Panel, in-

cluding by seeking to ensure the availability of, and access by claimants to, the Inspection Panel for projects supported by World Bank resources.

“(c) EVALUATION OF COUNTRY SYSTEMS.—The Secretary of the Treasury shall direct the United States Executive Directors at the World Bank to request an evaluation by the Independent Evaluation Group on the use of country environmental and social safeguard systems to determine the degree to which, in practice, the use of such systems provides the same level of protection at the project level as do the policies and procedures of the World Bank.

“(d) WORLD BANK DEFINED.—In this section, the term ‘World Bank’ means the International Bank for Reconstruction and Development and the International Development Association.”.

CLIMATE CHANGE MITIGATION AND GREENHOUSE GAS ACCOUNTING

SEC. 1111. Title XIII of the International Financial Institutions Act (22 U.S.C. 262m et seq.) is amended by adding at the end thereof the following:

“SEC. 1308. CLIMATE CHANGE MITIGATION AND GREENHOUSE GAS ACCOUNTING.

“(a) USE OF GREENHOUSE GAS ACCOUNTING.—The Secretary of the Treasury shall seek to ensure that multilateral development banks (as defined in section 1701(c)(4) of this Act) adopt and implement greenhouse gas accounting in analyzing the benefits and costs of individual projects (excluding those with de minimus greenhouse gas emissions) for which funding is sought from the bank.

“(b) EXPANSION OF CLIMATE CHANGE MITIGATION ACTIVITIES.—The Secretary of the Treasury shall work to ensure that the multilateral development banks (as defined in section 1701(c)(4)) expand their activities supporting climate change mitigation by—

“(1) significantly expanding support for investments in energy efficiency and renewable energy, including zero carbon technologies; and

“(2) reviewing all proposed infrastructure investments to ensure that all opportunities for integrating energy efficiency measures have been considered;

“(3) increasing the dialogue with the governments of developing countries regarding—

“(A) analysis and policy measures needed for low carbon emission economic development; and

“(B) reforms needed to promote private sector investments in energy efficiency and renewable energy, including zero carbon technologies; and

“(4) integrate low carbon emission economic development objectives into multilateral development bank country strategies.

“(c) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this section, and annually thereafter, the Secretary of the Treasury shall submit a report on the status of efforts to implement this section to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Financial Services and the Committee on Appropriations of the House of Representatives.”.

MULTILATERAL DEVELOPMENT BANK REFORM

SEC. 1112. (a) BUDGET DISCLOSURE.—The Secretary of the Treasury shall seek to ensure that the multilateral development banks make timely, public disclosure of their operating budgets including expenses for staff, consultants, travel and facilities.

(b) EVALUATION.—The Secretary of the Treasury shall seek to ensure that multilateral development banks rigorously evaluate the development impact of selected bank projects, programs, and financing operations, and emphasize use of random assignment in conducting such evaluations, where appropriate and to the extent feasible.

(c) EXTRACTIVE INDUSTRIES.—The Secretary of the Treasury shall direct the United States Executive Directors at the multilateral development banks to promote the endorsement of the Extractive Industry Transparency Initiative

(EITI) by these institutions and the integration of the principles of the EITI into extractive industry-related projects that are funded by the multilateral development banks.

(d) REPORT.—Not later than September 30, 2009, the Secretary of the Treasury shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate, and the Committee on Appropriations and the Committee on Foreign Affairs of the House, detailing actions taken by the multilateral development banks to achieve the objectives of this section.

(e) COORDINATION OF DEVELOPMENT POLICY.—The Secretary of the Treasury shall coordinate the formulation and implementation of United States policy relating to the development activities of the World Bank Group with the Secretary of State, the Administrator of the United States Agency for International Development, and other Federal agencies, as appropriate.

OVERSEAS COMPARABILITY PAY ADJUSTMENT

SEC. 1113. (a) Subject to such regulations prescribed by the Secretary of State, including with respect to phase-in schedule and treatment as basic pay, and notwithstanding any other provision of law, funds appropriated for this fiscal year in this or any other Act may be used to pay an eligible member of the Foreign Service as defined in subsection (b) of this section a locality-based comparability payment (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code if such member’s official duty station were in the District of Columbia.

(b) A member of the Service shall be eligible for a payment under this section only if the member is designated class 1 or below for purposes of section 403 of the Foreign Service Act of 1980 (22 U.S.C. 3963) and the member’s official duty station is not in the continental United States or in a non-foreign area, as defined in section 591.205 of title 5, Code of Federal Regulations.

(c) The amount of any locality-based comparability payment that is paid to a member of the Foreign Service under this section shall be subject to any limitations on pay applicable to locality-based comparability payments under section 5304 of title 5, United States Code.

ASSESSMENT ON AFGHANISTAN AND PAKISTAN

SEC. 1114. (a) FINDING.—The Congress supports economic and security assistance for Afghanistan and Pakistan, but long-term stability and security in those countries is tied more to the capacity and conduct of the Afghan and Pakistani governments and the resolve of both societies for peace and stability, to include combating extremist networks, than it is to the policies of the United States.

(b) REPORT.—The President shall submit a report to the appropriate congressional committees, not later than 90 days after the date of enactment of this Act and every 6 months thereafter until September 30, 2010, in classified form if necessary, assessing the extent to which the Afghan and Pakistani governments are demonstrating the necessary commitment, capability, conduct and unity of purpose to warrant the continuation of the President’s policy announced on March 27, 2009, to include:

(1) The level of political consensus and unity of purpose across ethnic, tribal, religious and political party affiliations to confront the political and security challenges facing the region;

(2) The level of official corruption that undermines such political consensus and unity of purpose, and actions taken to eliminate it;

(3) The actions taken by the respective security forces and appropriate government entities in developing a counterinsurgency capability, conducting counterinsurgency operations, and establishing security and governance on the ground;

(4) The actions taken by the respective intelligence agencies in cooperating with the United

States on counterinsurgency and counterterrorism operations and in terminating policies and programs, and removing personnel, that provide material support to extremist networks that target United States troops or undermine United States objectives in the region;

(5) The ability of the Afghan and Pakistani governments to effectively control and govern the territory within their respective borders; and

(6) The ways in which United States Government assistance contributed, or failed to contribute, to achieving the goals outlined above.

(c) **POLICY ASSESSMENT.**—The President, on the basis of information gathered and coordinated by the National Security Council, shall advise the Congress on how such assessment requires, or does not require, changes to such policy.

(d) **DEFINITION.**—For purposes of this section, “appropriate congressional committees” means the Committees on Appropriations, Foreign Relations and Armed Services of the Senate, and the Committees on Appropriations, Foreign Affairs and Armed Services of the House of Representatives.

#### ASSISTANCE FOR PAKISTAN

SEC. 1115. (a) **FINDINGS.**—

(1) The United States and the international community have welcomed and supported Pakistan's return to civilian rule since the democratic elections of February 18, 2008;

(2) Since 2001, the United States has provided more than \$12,000,000,000 in economic and security assistance to Pakistan;

(3) Afghanistan and Pakistan are facing grave threats to their internal security from a growing insurgency fueled by al Qaeda, the Taliban and other violent extremist groups operating in areas along the Afghanistan-Pakistan border; and

(4) The United States is committed to supporting vigorous efforts by the Government of Pakistan to secure Pakistan's western border and counter violent extremism, expand government services, support economic development, combat corruption and uphold the rule of law in such areas.

(b) **REPORT.**—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report, in classified form if necessary, to the Committees on Appropriations detailing—

(1) a spending plan for the proposed uses of funds appropriated in this title under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” that are available for assistance for Pakistan including amounts, the purposes for which funds are to be made available, and intended results;

(2) the actions to be taken by the United States and the Government of Pakistan relating to such assistance;

(3) the metrics for measuring progress in achieving such results; and

(4) the mechanisms for monitoring such funds.

#### SPECIAL AUTHORITY

SEC. 1116. (a) Notwithstanding any other provision of law, funds appropriated under the headings “Global HIV/AIDS Initiative” or “Global Health and Child Survival” in prior Acts making appropriations for the Department of State, foreign operations, export financing and related programs for assistance for Kenya to carry out the President's Emergency Plan for AIDS Relief may be transferred to, and merged with, funds made available under the heading “Economic Support Fund” to respond to instability in Kenya arising from conflict or civil strife.

(b) The Secretary of State shall consult with the Committees on Appropriations prior to exercising the authority of this section.

#### SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 1117. (a) **SPENDING PLAN.**—Not later than 45 days after the enactment of this Act, the Secretary of State, in consultation with the Admin-

istrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated in this title, except for funds appropriated under the headings “International Disaster Assistance” and “Migration and Refugee Assistance”.

(b) **NOTIFICATION.**—Funds appropriated in this title, with the exception of funds appropriated under the headings “International Disaster Assistance” and “Migration and Refugee Assistance”, shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

#### TECHNICAL PROVISIONS

SEC. 1118. (a) **MODIFICATIONS.**—The funding limitation in section 7046(a) of Public Law 111-8 shall not apply to funds made available for assistance for Colombia through the United States Agency for International Development's Office of Transition Initiatives: Provided, That title III of division H of Public Law 111-8 is amended under the heading “Economic Support Fund” in the second proviso by striking “up to \$20,000,000” and inserting “not less than \$20,000,000”.

(b) **NOTIFICATION REQUIREMENT.**—Funds appropriated by this Act that are transferred to the Department of State or the United States Agency for International Development shall be subject to the regular notification procedures of the Committees on Appropriations, notwithstanding any other provision of law.

(c) **AUTHORITY.**—Funds appropriated in this title, and subsequent and prior acts appropriating funds for Department of State, Foreign Operations, and Related Programs and under the heading “Public Law 480 Title II Grants” in this, subsequent, and prior Acts appropriating funds for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, shall be made available notwithstanding the requirements of and amendments made by section 3511 of Public Law 110-417.

(d) **REEMPLOYMENT OF ANNUITANTS.**—

(1) Section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) is amended in subsection (g)(1)(B) by inserting “, Pakistan,” after “Iraq” each place it appears; by inserting “to positions in the Response Readiness Corps,” before “or to posts vacated”; and, in subsection (g)(2) by striking “2009” and inserting instead “2012”.

(2) Section 61 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733) is amended in subsection (a)(1) by adding “, Pakistan,” after “Iraq” each place it appears; by inserting “, to positions in the Response Readiness Corps,” before “or to posts vacated”; and, in subsection (a)(2) by striking “2008” and inserting instead “2012”.

(3) Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended in subsection (j)(1)(A) by adding “, Pakistan,” after “Iraq” each place it appears; by inserting “, to positions in the Response Readiness Corps,” before “or to posts vacated”; and, in subsection (J)(1)(B) by striking “2008” and inserting instead “2012”.

(e) **INCENTIVES FOR CRITICAL POSTS.**—Notwithstanding sections 5753(a)(2)(A) and 5754(a)(2)(A) of title 5, United States Code, appropriations made available by this or any other Act may be used to pay recruitment, relocation, and retention bonuses under chapter 57 of title 5, United States Code to members of the Foreign Service, other than chiefs of mission and ambassadors at large, who are on official duty in Iraq, Afghanistan, or Pakistan. This authority shall terminate on October 1, 2012.

(f) Of the funds appropriated under the heading “Foreign Military Financing Program” in Public Law 110-161 that are available for assistance for Colombia, \$500,000 may be transferred to, and merged with, funds appropriated under the heading “International Narcotics Control

and Law Enforcement” to provide medical and rehabilitation assistance for members of Colombian security forces who have suffered severe injuries.

#### TERMS AND CONDITIONS

SEC. 1119. Unless otherwise provided for in this Act, funds appropriated or otherwise made available in this title shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8), except that sections 7042(a) and (c) and 7070(e)(2) of such Act shall not apply to such funds.

#### OVERSEAS DEPLOYMENTS

SEC. 1120. Each amount in this title is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

#### AFGHANISTAN AND PAKISTAN POLICY

SEC. 1121. (a) **OBJECTIVES FOR AFGHANISTAN AND PAKISTAN.**—Not later than 60 days after the date of the enactment of this Act, the President shall develop and submit to the appropriate committees of Congress the following:

(1) A clear statement of the objectives of United States policy with respect to Afghanistan and Pakistan.

(2) Metrics to be utilized to assess progress toward achieving the objectives developed under paragraph (1).

(b) **REPORTS.**—

(1) **IN GENERAL.**—Not later than March 30, 2010 and every 120 days thereafter until September 30, 2011, the President, in consultation with Coalition partners as appropriate, shall submit to the appropriate committees of Congress a report setting forth the following:

(A) A description and assessment of the progress of United States Government efforts, including those of the Department of Defense, the Department of State, the United States Agency for International Development, and the Department of Justice, in achieving the objectives for Afghanistan and Pakistan developed under subsection (a)(1).

(B) Any modification of the metrics developed under subsection (a)(2) in light of circumstances in Afghanistan or Pakistan, together with a justification for such modification.

(C) Recommendations for the additional resources or authorities, if any, required to achieve such objectives for Afghanistan and Pakistan.

(2) **FORM.**—Each report under this subsection may be submitted in classified or unclassified form. Any report submitted in classified form shall include an unclassified annex or summary of the matters contained in the report.

(3) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committees on Armed Services, Appropriations, Foreign Relations, Homeland Security and Governmental Affairs, and the Judiciary and the Select Committee on Intelligence of the Senate; and

(B) the Committees on Armed Services, Appropriations, Foreign Affairs, Homeland Security, and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

#### ADDITIONAL AMOUNT FOR ASSISTANCE FOR GEORGIA

SEC. 1122. The amount appropriated by this title under the heading “Assistance for Europe, Eurasia and Central Asia” may be increased by up to \$42,500,000, with the amount of the increase to be available for assistance for Georgia.

## TITLE XII

## DEPARTMENT OF TRANSPORTATION

## OFFICE OF THE SECRETARY

## PAYMENTS TO AIR CARRIERS

## (AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available under Public Law 111-8 and funds authorized under subsection 41742(a)(1) of title 49, United States Code, to carry out the essential air service program, to be derived from the Airport and Airway Trust Fund, \$13,200,000, to remain available until expended.

## FEDERAL AVIATION ADMINISTRATION

## GRANTS-IN-AID FOR AIRPORTS

## (AIRPORT AND AIRWAY TRUST FUND)

## (RESCISSION)

Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, \$13,200,000 are permanently rescinded from amounts authorized for the fiscal year ending September 30, 2008.

## GENERAL PROVISIONS—THIS TITLE

SEC. 1201. Section 1937 of Public Law 109-59 (119 Stat. 1144, 1510) is amended—

(1) in paragraph (1) by striking “expenditures” each place that it appears and inserting “allocations”; and

(2) in paragraph (2) by striking “expenditure” and inserting “allocation”.

SEC. 1202. A recipient and subrecipient of funds appropriated in Public Law 111-5 and apportioned pursuant to section 5311 and section 5336 (other than subsection (i)(1) and (j)) of title 49, United States Code, may use up to 10 percent of the amount apportioned for the operating costs of equipment and facilities for use in public transportation: Provided, That a grant obligating such funds prior to the date of the enactment of this Act may be amended to allow a recipient and subrecipient to use the funds made available for operating assistance: Provided further, That such funds are designated as an emergency requirement pursuant to section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 1203. Public Law 110-329, under the heading “Project-Based Rental Assistance”, is amended by striking “project-based vouchers” and all that follows up to the period and inserting “activities and assistance for the provision of tenant-based rental assistance, including related administrative expenses, as authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.), \$80,000,000, to remain available until expended: Provided, That such funds shall be made available within 60 days of the enactment of this Act: Provided further, That in carrying out the activities authorized under this heading, the Secretary shall waive section (o)(13)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437(o)(13)(B))”: Provided, That such additional funds are designated as an emergency requirement pursuant to section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 1204. Public Law 111-5 is amended by striking the second proviso under the heading “HOME Investment Partnerships Program” and inserting “Provided further, That the housing credit agencies in each State shall distribute these funds competitively under this heading and pursuant to their qualified allocation plan (as defined in section 42(m) of the Internal Revenue Code of 1986) to owners of projects who have received or receive simultaneously an award of low-income housing tax credits under sections 42(h) and 1400N of the Internal Revenue Code of 1986.”.

## TITLE XIII

## OTHER MATTERS

## INTERNATIONAL ASSISTANCE PROGRAMS

## INTERNATIONAL MONETARY PROGRAMS

## UNITED STATES QUOTA, INTERNATIONAL MONETARY FUND

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 4,973,100,000 Special Drawing Rights, to remain available until expended: Provided, That the cost of the amounts provided herein shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et. seq.): Provided further, That for purposes of section 502(5) of the Federal Credit Reform Act of 1990, the discount rate in section 502(5)(E) shall be adjusted for market risks: Provided further, That section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply.

## LOANS TO INTERNATIONAL MONETARY FUND

For loans to the International Monetary Fund under section 17(a)(ii) and (b)(ii) of the Bretton Woods Agreements Act (Public Law 87-490, 22 U.S.C. 286e-2), as amended by this Act pursuant to the New Arrangements to Borrow, the dollar equivalent of up to 75,000,000,000 Special Drawing Rights, to remain available until expended, in addition to any amounts previously appropriated under section 17 of such Act: Provided, That if the United States agrees to an expansion of its credit arrangement in an amount less than the dollar equivalent of 75,000,000,000 Special Drawing Rights, any amount over the United States' agreement shall not be available until further appropriated: Provided further, That the cost of the amounts provided herein shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et. seq.): Provided further, That for purposes of section 502(5) of the Federal Credit Reform Act of 1990, the discount rate in section 502(5)(E) shall be adjusted for market risks: Provided further, That section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply.

## GENERAL PROVISIONS—INTERNATIONAL ASSISTANCE PROGRAMS

SEC. 1301. Section 17 of the Bretton Woods Agreements Act (22 U.S.C. 286e-2) is amended—

(1) in subsection (a)—

(A) by inserting “(1)” before “In order to”; and

(B) by adding at the end the following:

“(2) In order to carry out the purposes of a one-time decision of the Executive Directors of the International Monetary Fund (the Fund) to expand the resources of the New Arrangements to Borrow, established pursuant to the decision of January 27, 1997 referred to in paragraph (1) above, and to make other amendments to the New Arrangements to Borrow to achieve an expanded and more flexible New Arrangements to Borrow as contemplated by paragraph 17 of the G-20 Leaders' Statement of April 2, 2009 in London, the Secretary of the Treasury is authorized to instruct the United States Executive Director to consent to such amendments notwithstanding subsection (d) of this section, and to make loans, in an amount not to exceed the dollar equivalent of 75,000,000,000 Special Drawing Rights, in addition to any amounts previously authorized under this section and limited to such amounts as are provided in advance in appropriations Acts, except that prior to activation, the Secretary of the Treasury shall report to Congress on whether supplementary resources are needed to forestall or cope with an impairment of the international monetary system and whether the Fund has fully explored other means of funding, to the Fund under article VII, section 1(i), of the Articles of Agreement of the Fund: Provided, That prior to instructing the United States Executive Director to provide consent to such amendments, the Secretary of the Treasury shall consult with the Committee

on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the amendments to be made to the New Arrangements to Borrow, including guidelines and criteria governing the use of its resources; the countries that have made commitments to contribute to the New Arrangements to Borrow and the amount of such commitments; and the steps taken by the United States to expand the number of countries so the United States share of the expanded New Arrangements to Borrow is representative of its share as of the date of enactment of this Act: Provided further, That any loan under the authority granted in this subsection shall be made with due regard to the present and prospective balance of payments and reserve position of the United States.”.

and

(2) in subsection (b)—  
(A) by inserting “(1)” before “For the purpose of”;

(B) by inserting “subsection (a)(1) of” after “pursuant to”; and

(C) by adding at the end the following:

“(2) For the purpose of making loans to the International Monetary Fund pursuant to subsection (a)(2) of this section, there is hereby authorized to be appropriated not to exceed the dollar equivalent of 75,000,000,000 Special Drawing Rights, in addition to any amounts previously authorized under this section, except that prior to activation, the Secretary of the Treasury shall report to Congress on whether supplementary resources are needed to forestall or cope with an impairment of the international monetary system and whether the Fund has fully explored other means of funding, to remain available until expended to meet calls by the Fund. Any payments made to the United States by the Fund as a repayment on account of the principal of a loan made under this section shall continue to be available for loans to the Fund.”.

SEC. 1302. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end the following:

**“SEC. 64. ACCEPTANCE OF AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE FUND.**

“The United States Governor of the Fund may agree to and accept the amendments to the Articles of Agreement of the Fund as proposed in the resolutions numbered 63-2 and 63-3 of the Board of Governors of the Fund which were approved by such Board on April 28, 2008 and May 5, 2008, respectively.

**“SEC. 65. QUOTA INCREASE.**

“(a) IN GENERAL.—The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 4,973,100,000 Special Drawing Rights.

“(b) SUBJECT TO APPROPRIATIONS.—The authority provided by subsection (a) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

**“SEC. 66. APPROVAL TO SELL A LIMITED AMOUNT OF THE FUND'S GOLD.**

“(a) The Secretary of the Treasury is authorized to instruct the United States Executive Director of the Fund to vote to approve the sale of up to 12,965,649 ounces of the Fund's gold acquired since the second Amendment to the Fund's Articles of Agreement, only if such sales are consistent with the guidelines agreed to by the Executive Board of the Fund described in the Report of the Managing Director to the International Monetary and Financial Committee on a New Income and Expenditure Framework for the International Monetary Fund (April 9, 2008) to prevent disruption to the world gold market: Provided, That at least 30 days prior to any such vote, the Secretary shall consult with the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of

Representatives regarding the use of proceeds from the sale of such gold: Provided further, That the Secretary of the Treasury shall seek to ensure that:

“(1) the Fund will provide support to low-income countries that are eligible for the Poverty Reduction and Growth Facility or other low-income lending from the Fund by making available Fund resources of not less than \$4 billion;

“(2) such Fund resources referenced above will be used to leverage additional support by a significant multiple to provide loans with substantial concessionality and debt service payment relief and/or grants, as appropriate to a country's circumstances;

“(3) support provided through forgiveness of interest on concessional loans will be provided for not less than two years; and

“(4) the support provided to low-income countries occurs within six years, a substantial amount of which shall occur within the initial two years.

“(b) In addition to agreeing to and accepting the amendments referred to in section 64 of this Act relating to the use of proceeds from the sale of such gold, the United States Governor is authorized, consistent with subsection (a), to take such actions as may be necessary, including those referred to in section 5(e) of this Act, to also use such proceeds for the purpose of assisting low-income countries.

**“SEC. 67. ACCEPTANCE OF AMENDMENT TO THE ARTICLES OF AGREEMENT OF THE FUND.**

“The United States Governor of the Fund may agree to and accept the amendment to the Articles of Agreement of the Fund as proposed in the resolution numbered 54-4 of the Board of Governors of the Fund which was approved by such Board on October 22, 1997: Provided, That not more than one year after the acceptance of such amendments to the Fund's Articles of Agreement, the Secretary of the Treasury shall submit a report to the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives analyzing Special Drawing Rights, to include a discussion of how those countries that significantly use or acquire Special Drawing Rights in accordance with Article XIX, Section 2(c), use or acquire them; the extent to which countries experiencing balance of payment difficulties exchange or use their Special Drawing Rights to acquire reserve currencies; and the manner in which those reserve currencies are acquired when utilizing Special Drawing Rights.”

SEC. 1303. (a) Not later than 30 days after enactment of this Act, the Secretary of the Treasury, in consultation with the Executive Director of the World Bank and the Executive Board of the International Monetary Fund (IMF), shall submit a report to the appropriate congressional committees detailing the steps taken to coordinate the activities of the World Bank and the IMF to avoid duplication of missions and programs, and steps taken by the Department of the Treasury and the IMF to increase the oversight and accountability of IMF activities.

(b) For the purposes of this section, the “appropriate congressional committees” means the Committees on Appropriations, Banking, Housing, and Urban Affairs, and Foreign Relations of the Senate, and the Committees on Appropriations, Foreign Affairs, and Ways and Means of the House of Representatives.

(c) In the next report to Congress on international economic and exchange rate policies, the Secretary of the Treasury shall: (1) report on ways in which the IMF's surveillance function under Article IV could be enhanced and made more effective in terms of avoiding currency manipulation; (2) report on the feasibility and usefulness of publishing the IMF's internal calculations of indicative exchange rates; and (3) provide recommendations on the steps that the IMF can take to promote global financial

stability and conduct effective multilateral surveillance.

(d) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on health care or education; and to promote government spending on health care, education, food aid, or other critical safety net programs in all of the Fund's activities with respect to Heavily Indebted Poor Countries.

SEC. 1304. Each amount in this title is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**DETAINEE PHOTOGRAPHIC RECORDS PROTECTION**

SEC. 1305. (a) **SHORT TITLE.**—This section may be cited as the “Detainee Photographic Records Protection Act of 2009”.

(b) **DEFINITIONS.**—In this section:

(1) **COVERED RECORD.**—The term “covered record” means any record—

(A) that is a photograph that was taken between September 11, 2001 and January 22, 2009 relating to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(B) for which a certification by the Secretary of Defense under subsection (c) is in effect.

(2) **PHOTOGRAPH.**—The term “photograph” encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(c) **CERTIFICATION.**—

(1) **IN GENERAL.**—For any photograph described under subsection (b)(1)(A), the Secretary of Defense shall certify, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger—

(A) citizens of the United States; or

(B) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(2) **CERTIFICATION EXPIRATION.**—A certification submitted under paragraph (1) and a renewal of a certification submitted under paragraph (3) shall expire 3 years after the date on which the certification or renewal, as the case may be, is submitted to the President.

(3) **CERTIFICATION RENEWAL.**—The Secretary of Defense may submit to the President—

(A) a renewal of a certification in accordance with paragraph (1) at any time; and

(B) more than 1 renewal of a certification.

(4) **CERTIFICATION RENEWAL.**—A timely notice of the Secretary's certification shall be provided to Congress.

(d) **NONDISCLOSURE OF DETAINEE RECORDS.**—A covered record shall not be subject to—

(1) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(2) disclosure under any proceeding under that section.

(e) Nothing in this section shall be construed to preclude the voluntary disclosure of a covered record.

(f) **EFFECTIVE DATE.**—This section shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

**SHORT TITLE**

SEC. 1306. This section may be cited as the “OPEN FOIA Act of 2009”.

**SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS**

SEC. 1307. Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

“(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

“(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

“(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

“(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.”.

**GENERAL PROVISION—THIS ACT**

**AVAILABILITY OF FUNDS**

SEC. 1308. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the “Supplemental Appropriations Act, 2009”.

**SMOKY MOUNTAINS NATIONAL PARK 75TH ANNIVERSARY**

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 137 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 137) recognizing and commending the people of the Great Smoky Mountains National Park on the 75th anniversary of the establishment of the park.

There being no objection, the Senate proceeded to consider the resolution.

Mr. UDALL of Colorado. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 137) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 137**

Whereas, in the 1920s, groups of citizens and officials in Western North Carolina and Eastern Tennessee displayed enormous foresight in recognizing the potential benefits of a national park in the Southern Appalachian Mountains;

Whereas the location of the park that became the Great Smoky Mountains National Park was selected from among the finest examples of the most scenic and intact mountain forests in the Southeastern United States;

Whereas the creation of the Great Smoky Mountains National Park was the product of more than 2 decades of determined effort by leaders of communities across Western North Carolina and Eastern Tennessee;

Whereas the State legislatures and Governors of North Carolina and Tennessee exercised great vision in appropriating the funding that was used, along with funding from the Laura Spelman Rockefeller Memorial Fund, to purchase more than 400,000 acres of private land that became part of the Great Smoky Mountains National Park;

Whereas the citizens of communities surrounding the Great Smoky Mountains National Park generously contributed funding for land acquisition to bring the Great Smoky Mountains National Park into being;